



May 25, 1999

Ms. Tenley A. Aldredge
Assistant County Attorney
County of Travis
314 West 11th Street, Suite 300
Austin, Texas 78767

OR99-1448

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124474.

The Travis County Sheriff's Department received a request for information related to a criminal case assigned cause number 9900225. You have supplied the responsive information to this office for review, asserting that it is excepted from public disclosure by sections 552.101, 552.103, 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

In pertinent part, section 552.108 of the Government Code reads:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the [disclosure] requirements of Section 552.021 if:

- (1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

(c) This section does not except from the [disclosure] requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Basic information about an arrested person, an arrest or a crime is not excepted by this statute. Gov't Code § 552.108(c). The courts recognize a right of access to such basic information, characterized as "front page" offense report information, and expressly made public by court decision. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Our office summarized the information not excepted from disclosure in Open Records Decision No. 127 (1976). Unless excepted from disclosure by another provision of the Public Information Act, "front page" information must be released. Open Records Decision No. 181 (1977).

Subsection 552.108(a)(1) excepts from disclosure information related to prosecutions or criminal investigations that are in progress, as release of this information would interfere with law enforcement. You represent that the subject file has been forwarded to the Travis County District Attorney's Office for prosecution and that the subject case has not concluded. Based on your representations, we conclude that release of this information would interfere with the investigation or prosecution of crime. With the exception of "front page" information the subject information may therefore be withheld. Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

The "front page" information includes information considered confidential under section 552.130 of the Government Code. This section governs the release and use of information obtained from motor vehicle records, and provides in relevant part as follows:

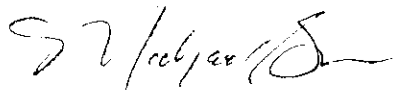
(a) Information is excepted from [required public disclosure] if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]
- (2) a motor vehicle title or registration issued by an agency of this state[.]

You must withhold driver's license numbers, VIN numbers, and the license plate numbers pursuant to section 552.130.

As the release of all of the responsive information is addressed in the above discussion, we shall not discuss your arguments raised under other sections of the Government Code. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "MJ Burns", with a stylized flourish at the end.

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 124474

encl. Submitted documents

cc: Mr. Robert D. Hejl
Box 541
Manchaca, Texas 78652-0541
(w/o enclosures)